

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

Dennis M. Murphy,
System ID No. 0193491, and

Enforcement Case No. 09-7091

Independence Title Corporation,
System ID No. 0021015,

Respondents.

ORDER OF REVOCATION

Issued and Entered,
this 12th day of March, 2009,
by Stephen R. Hilker
Chief Deputy Commissioner

This matter comes before the Chief Deputy Commissioner based upon Respondents' Consent to Entry of Order of Revocation and the files and records of the Office of Financial and Insurance Regulation ("OFIR"). The Chief Deputy Commissioner, being so advised, now FINDS and CONCLUDES that:

1. The Commissioner has jurisdiction and authority to adopt and issue this Consent Order, pursuant to the Michigan Administrative Procedures Act of 1969 ("MAPA"), as amended, MCL 24.201 *et seq.*, and the Michigan Insurance Code of 1956, (the "Code") as amended, MCL 500.100 *et seq.*

2. All required notices have been issued in this matter and the notices and service thereof were appropriate and lawful in all respects.

3. Acceptance of the Respondents' Consent to Entry of Order of Revocation is reasonable and in the public interest.

4. All applicable provisions of MAPA have been met or knowingly and voluntarily waived by the parties.

5. Dennis M. Murphy and Independence Title Corporation, without admitting or denying violations of Sections 1207(1) and 1239(1)(h) of the Code and having every opportunity to respond, knowingly and voluntarily consent to the entry of the Order of Revocation, thereby revoking Respondent Murphy's resident producer license and Respondent Independence's title insurance agent license effective upon entry of this Order.

THEREFORE, IT IS ORDERED THAT:

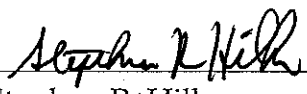
1. Pursuant to Sections 150 and 1244 of the Michigan Insurance Code, the insurance producer license of Respondent Dennis M. Murphy is **REVOKED**.

2. Pursuant to Sections 150 and 1244 of the Michigan Insurance Code, the title insurance agent license of Respondent Independence Title Corporation is **REVOKED**.

3. This is a final order and closes the matter.

IT IS SO ORDERED.

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Stephen R. Hilker
Chief Deputy Commissioner

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CONSENT TO ENTRY OF ORDER OF REVOCATION

Dennis M. Murphy, ("Murphy") individually and Independence Title Corporation, ("Independence") (*collectively*, the "Respondents"), by and through their attorney, Mark M. Snitchler, state the following:

1. At all times relevant to this matter Murphy was a resident producer licensed in the State of Michigan pursuant to Insurance Code of 1956 (the "Code").
2. At all times relevant to this matter Independence was a title insurance agent licensed in the State of Michigan pursuant to the Code. Further, Murphy at all times relevant was the sole owner and president of Independence.
3. On or about September 15, 2005, Independence entered into a title insurance underwriting agreement (the "Agreement") with Stewart Title Guaranty

Company ("Stewart") for the purpose of issuing policies, binders, commitments and endorsements in the State of Michigan.

4. A term of the Agreement required Independence to "keep safely in its escrow account all funds received by Independence from any source in connection with transactions in which Stewart title policies will be issued, and to disburse funds only for the purpose for which they were entrusted."

5. On or about April 10, 2008, Stewart terminated the Agreement for breaches of the aforementioned term. Stewart alleged that it had received evidence that funds that were deposited or should have been deposited into escrow accounts were used for improper purposes and for the benefit of the Respondents and others.

6. On or about May 14, 2008, in the 6th Judicial Circuit Court for Oakland County Stewart commenced a civil action entitled, *Stewart Title Guaranty Co. v. Dennis Murphy, Denise Nichols, Independence Title Corp. and G & M Funding*, Case No. 08-090918-CZ (the "Lawsuit"). Stewart alleged multiple claims against the Respondents, including but not limited to allegations of fraud, embezzlement and breach of fiduciary duty. Stewart demanded a money judgment in excess of \$495,000.00 (four-hundred and ninety-five thousand dollars) for losses it allegedly suffered as a result of the Respondents' wrongful conduct.

7. Respondents, by and through their counsel, disputed Stewart's Complaint. On October 7, 2008, the parties executed and entered a Stipulated Order of Dismissal Without Prejudice pursuant to certain terms and conditions to conclude the Lawsuit.

8. On or about June 26, 2008, Stewart filed a complaint with OFIR alleging the same.

9. Without admitting or denying any of the allegations, and without admitting or denying any violations of the Code, Respondents are now prepared to voluntarily consent to the entry of an Order revoking Respondent Murphy's resident producer license and Respondent Independence's title insurance agent license effective upon entry of the attached *Order of Revocation*.

10. Further, Respondents, with the intent to be legally bound, hereby knowingly and voluntarily consent to the attached *Order of Revocation* in this matter, and further, in consideration of the terms and conditions set forth therein, also voluntarily waive and give up any and all rights that they may now or hereafter have to administrative or judicial review, or otherwise to challenge or contest the entry of the attached *Order of Revocation* in this matter.